

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal Action No. 5:11CR26-02

SIMON LEE,

Defendant.

**REPORT AND RECOMMENDATION THAT MOTION TO SUPPRESS
BE DENIED AS MOOT**

At the scheduled motions hearing on September 29, 2011, counsel for defendant advised an agreement had been reached with the Government on a proposed plea and orally moved to withdraw defendant's Motion to Suppress (Doc. No. 23).

The Motion to Suppress is now moot.

Therefore, it is recommended the Motion to Suppress be **DENIED**.

IT IS SO ORDERED.

The Clerk of the Court is directed to provide a copy of this Order to parties who appear pro se and all counsel of record, as applicable, as provided in the Administrative Procedures for Electronic Case Filing in the United States District Court for the Northern District of West Virginia.

DATED: September 29, 2011

/s/ James E. Seibert

JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE